

### REMARKS

Claims 1-15 and 17-21 are in this application and are presented for consideration. By this amendment, Applicant has amended claims 1, 4, 6, 9, 10, 15 and 17. Claim 16 has been canceled and new independent claim 21 has been added.

The drawings have been objected to under 37 CFR 1.83(a) because the Office Action states that the shifting gate pushed over the selector lever, the adapter having a screwable connection or a clippable connection, the adapter having a plastic molding and the diameter of the selector lever and the adapter is smaller than a shift gap defined by side edges of a shift gate whereby the shift gate is passed over the selector lever and the adapter are not shown in the drawings.

Applicant has revised Figure 1 to show the shifting gate 20 with side edges 24 that define a shift gap 24. Figure 1 has also been revised to show the plastic molding 22 of the adapter. The screw connection has not been shown in the revised Figure 1 as a person of ordinary skill in the art would understand that adapter and the selector lever can be provided with respective threads such that the adapter and selector lever screw together. Applicant has amended the specification as shown above to include the new reference numerals. Applicant respectfully requests that the Examiner enter Figure 1 as now presented.

Claims 1-15 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended the claims paying close attention to the Examiner's remarks.

The claimed housing as featured in claim 1 is a structure covering a housing structure and a housing frame or frame (equivalent structures). The structure is a support structure and may enclose other features, or provide the support without enclosure. It is Applicant's position that the claims as now presented are clear and fully conform with the requirements of the statute. Accordingly, Applicant respectfully requests that the Examiner favorably consider the claims as now presented.

Claims 1-3, 5-8 and 11-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Van Order et al. (U.S. 6,038,937) in view of Stencel (U.S. 6,439,074).

The present invention relates to a shifting device for transmitting shift commands to a motor vehicle transmission. The shifting device comprises a housing support structure and a selector lever for transmitting shift commands to the motor vehicle transmission. An adapter is mounted on the selector lever. A switch is integrated with the adapter. A hand knob is connected to selector lever by the adapter. A shifting gate is pushed over the selector lever. This provides a shifting device having a switch and electrical lines that can be transported to a vehicle manufacturer without complicated safety measures for the switch and electrical lines. This advantageously saves on installation costs since the time to install the shifting device is dramatically decreased as a result of the switch connections not having to be installed at the motor vehicle manufacturer. The prior art as a whole fails to disclose such features and such manufacturing savings advantages.

Van Order et al. discloses a transmission control 18 that includes a hollow shaft 22 with a movable control straw 25 therein which is actuated by a mechanical push-button 24

associated with a shifter knob 26 of the transmission control mechanism. The mechanical push-button 24 and its coupling to movable straw 25 allows the shifter shaft 22 to move forwardly and rearwardly for shifting the transmission. The control knob 26 integrally includes a push button electrical switch 28 with a pair of contacts which, when 28 is pushed provide a signal to the transmission which responds for shifting the transmission into and out of overdrive. The transmission includes a wire harness 21 having conductors coupled to electrical contacts in a cylindrical sleeve 30 which fits over shaft 22 and which mechanically and electrically couples to shift knob 26 during assembly.

Van Order et al. fails to teach and fails to suggest the combination of an adapter having a switch integrated therewith wherein the adapter defines a connection between a selector lever and a hand knob. At most, Van Order et al. discloses a cylindrical sleeve 30 that fits over shaft 22 and is mechanically and electrically coupled to a shift knob 26. However, the cylindrical sleeve 30 of Van Order et al. fails to have a switch as claimed in claims 1 and 15. In fact, the cylindrical sleeve 30 of Van Order et al. does not have a switch integrated therein. Further, there is no switch having a means for transmitting electrical and/or optical signals as featured in claim 2. Compared with the shifter of Van Order et al., a switch of the present invention is integrated in an adapter. This advantageously decreases the time it takes to install the shifting device since the switch and the electrical lines do not have to be separately installed. This saves a significant amount of money in manufacturing costs since the labor involved in installing the shifting device in a motor vehicle is drastically reduced. Van Order et al. fails to disclose such manufacturing cost savings advantages since Figures 2 and 4 of Van Order et

al. clearly show that the sleeve 30 does not have any switch as featured in the present invention. As such, the prior art as a whole fails to establish a prima facie case of obviousness since the prior art as a whole does not teach or suggest important features of the claimed combination.

Stencel discloses a steering-column gearshift lever 10. The lever 10 includes a tube 12. An insert or attachment 14 is secured to an end of the tube 12 to secure the gearshift lever 10 to a steering column. A covering 16 is provided over at least a portion of the exterior surface of the tube and the insert 14. An electric switch 18 is secured to an end of the tube 12 to control a desired device. Wires 20 extend through the tube 12 from the electric control or switch 18 at one end of the tube 12 to the insert 14 at the other end of the tube 12 so that the electric switch 18 can be electrically connected to suitable auxiliary components at the steering column. The operational end of the tube 12 is provided with a handle member 34. The handle member 34 is a separate member secured to the tube 12 or can be integrally formed with the tube 14. The handle member 34 is separated formed thereon by a third molding operation wherein the handle member 34 is injection molded over the covering 16.

Stencel fails to teach or suggest the combination of a shifting device comprising an adapter having a switch. Stencel only discloses a steering column gearshift lever with a bore containing wiring to a switch 18. This disadvantageously increases manufacturing costs as the wiring has to be threaded through the bore of the gearshift lever to the switch 18. The references as a whole provide no suggestion for using the teachings of Stencel to modify the device of Van Order et al. Stencel discloses in Column 7, lines 35-37 that the handle member

34 is separately formed thereon by a third molding operation where the handle is injection molded over the covering 16. This means that the lever cannot be built into a gearbox of a motor vehicle when injection molding the handle member. Otherwise after installing the lever into the gearbox and pushing the shifting gate over the lever a tool for injection molding would have to be put over it inside the car to form the handle member 34 via injection molding. This would significantly increase manufacturing costs. Compared with Stencel, a switch of the present invention is integrated with an adapter. This advantageously provides a prebuilt, prechecked adapter having a switch and the necessary electrical lines. This is significant in the present invention because the switch and necessary electrical lines being already connected to the selector lever allows the shifting device to be quickly installed in a motor vehicle. This drastically reduces overall manufacturing costs. In contrast to the present invention, Stencel only directs a person of ordinary skill in the art toward providing an electric switch on the end of a handle of a column gearshift lever, but fails to direct the person of ordinary skill in the art toward a switch integrated in an adapter that connects a selector lever to a control knob as claimed. In fact, neither Stencel nor Van Order et al. disclose an adapter having an outer surface that defines a recess wherein a line of a connection cable is disposed in the recess as claimed. As such, the prior art as a whole takes a completely different approach and fails to establish a prima facie case of obviousness. Accordingly, Applicant respectfully requests that the Examiner favorably consider claims 1 and 15 as now presented and all claims that respectively depend thereon.

Claim 9 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Van

Order et al. in view of Stencel and in further view of Tucker (U.S. 7,032,074). Claim 10 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Van Order et al. in view of Stencel and in further view of Nedachi (U.S. 5,588,329).

All of these rejections are based on the interpretation of Van Order et al. and Stencel as teaching the adapter of the present invention. A fair reading of the Van Order et al. and Stencel references indicate that the references as a whole do not disclose an adapter that defines a connection between a hand knob and a selector lever wherein a switch is integrated in the adapter. The references as a whole clearly do not direct a person of ordinary skill in the art towards the invention as claimed. Accordingly, reconsideration of these rejections is requested.

Applicant has added new independent claim 21. New independent claim 21 provides for features similar to those found in amended claim 15, but in different claim language. Applicant respectfully requests that the Examiner favorably consider new independent claim 21.

Favorable consideration on the merits is requested.

Respectfully submitted  
for Applicant,

A handwritten signature in black ink, appearing to read 'J. McGlew', with a stylized flourish at the end.

By: \_\_\_\_\_  
John James McGlew  
Registration No. 31,903  
McGLEW AND TUTTLE, P.C.

- and -



By: \_\_\_\_\_  
Brian M. Duncan  
Registration No. 58,505  
McGLEW AND TUTTLE, P.C.

Attached: (1) Sheet of Replacement Drawings

JJM:BMD  
72187-7

DATED: May 7, 2009  
BOX 9227 SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-9227  
(914) 941-5600

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